

Calendar No. 1145

68TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 1079

TO RESTORE HOMESTEAD RIGHTS IN CERTAIN CASES

FEBRUARY 3 (calendar day, FEBRUARY 11), 1925.—Ordered to be printed

Mr. LADD, from the Committee on Public Lands and Surveys,
submitted the following

REPORT

[To accompany H. R. 8333]

The Committee on Public Lands and Surveys, to whom was referred the bill (H. R. 8333), to restore homestead rights in certain cases, having considered the same, reports thereon favorably, without amendment, and recommends it do pass.

The recommendations of the Department of the Interior are indicated by the reports submitted by them in House Report 986.

DEPARTMENT OF THE INTERIOR,
Washington, May 19, 1924.

Hon. N. J. SINNOTT,
*Chairman Committee on the Public Lands,
House of Representatives.*

MY DEAR MR. SINNOTT: I have the honor to acknowledge receipt of your request for a report on H. R. 8333, entitled "A bill to restore homestead rights in certain cases." The bill provides in part that—

"From and after the passage of this act any person who has heretofore entered under the homestead laws and paid a price equivalent to or greater than \$2.50 per acre, lands embraced in a ceded Indian reservation, shall, upon proof of such fact, if otherwise qualified, be entitled to the benefits of the homestead law as though such former entry had not been made: *Provided*, That the provisions of this act shall not apply to any person who has failed to pay the full price of his former entry, or whose former entry was canceled for fraud."

The act of February 20, 1917 (39 Stat. 925), confers a second homestead right upon persons otherwise qualified who had theretofore made homestead entry for ceded Indian lands for which they had paid as much as \$4 per acre in order to acquire title thereto. This was deemed equitable on the theory that transactions of this sort were more in the nature of sale for the benefit of the Indians, the entryman being required to pay the appraised price of the land, thus imposing on them a financial burden in addition to the requirements that they meet the provisions of the homestead laws.

This theory seems to apply to entrymen of ceded Indian lands, the purchase price of which was fixed at \$2.50 per acre, the appraised value of the land, and it may be equitable to accord to such purchasers who have completed the payments the right to make other entries, if otherwise qualified.

For the reason stated, I know of no valid objection why H. R. 8333 should not be enacted into law.

Very truly yours,

HUBERT WORK.

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THE HOUSE OF REPRESENTATIVES

REPORT

OF THE

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COMMISSIONERS OF THE LAND OFFICE

DEPARTMENT OF THE INTERIOR

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